

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM)
MOTORS, INC., and MATTINGLY AUTO)
SALES, INC., individually and on behalf of)
other members of the general public similarly)
situated,)

Plaintiffs,)

v.)

COX ENTERPRISES, INC., COX)
AUTOMOTIVE, INC., NEXTGEAR)
CAPITAL, INC. F/K/A DEALER SERVICES)
CORPORATION, successor by merger with)
Manheim Automotive Financial Services, Inc.,)
and JOHN WICK,)

Defendants.)

Case No. 1:14-cv-01589-TWP-DKL

UNOPPOSED MOTION TO EXTEND DEADLINE
TO FILE STATEMENTS OF CLAIMS

In light of the motions currently pending before the Court, Plaintiffs respectfully request that the Court amend the Case Management Plan (R. Doc. 144) to extend the deadline for the parties to file statements of the claims or defenses that they intend to prove at trial, which is currently set for January 13, 2017, to thirty days after an Order is entered on Defendants' Motion to Dismiss. In support of this motion, Plaintiffs submit as follows:

On December 30, 2016, Defendants filed an unopposed Motion to Continue Trial Setting (R. Doc. 176) ("Motion to Continue Trial") based on a number of factors including the pendency of Defendants' Motion to Dismiss, which is fully briefed. The Motion to Continue Trial was granted by the Court on January 9, 2017, continuing the trial of this matter from May 8, 2017 to

August 28, 2017. *See* R. Doc. 177. The Order also continued the dispositive motion deadline from January 16, 2017 to thirty days after an Order is entered on the Motion to Dismiss.

Under the existing Case Management Plan, the deadline for the parties to file their respective statements of the claims or defenses that they intend to prove at trial is January 13, 2017. *See* R. Doc. 144, Exh. A. The Motion to Continue Trial did not specifically request that the statement of claims deadline be continued. Accordingly, the Court's Order granting the Motion to Continue Trial did not address that particular deadline. However, Plaintiffs submit that the statement of claims deadline, like the dispositive motion deadline, is premature in light of the pending Motion to Dismiss as a ruling on that motion will enable Plaintiffs to determine which claims they intend to prove at trial. Accordingly, Plaintiffs respectfully request that the Court extend that deadline to thirty days after an Order is entered on Defendants' motion to dismiss.

Counsel for Plaintiffs have conferred with counsel for Defendants, and counsel for Defendants have no objection to this motion.

WHEREFORE, Plaintiffs respectfully request that the Court enter the attached Proposed Order extending the statement of claims deadline for both parties from January 13, 2017 to 30 days after an Order is entered on Defendants' Motion to Dismiss.

Respectfully submitted,

/s/ Kerry A. Murphy

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CERTIFICATE OF SERVICE

I do hereby certify that I have, on the 11th day of January, 2017, served a copy of the foregoing upon all counsel of record by CM/ECF filing.

/s/ Kerry A. Murphy

Kerry A. Murphy